



LEGISLATIVE FISCAL OFFICE

Fiscal Note

Fiscal Note On: **HB 574** HLS 09RS 490  
Bill Text Version: **ORIGINAL**  
Opp. Chamb. Action:  
  
Proposed Amd.:  
Sub. Bill For.:

<b>Date:</b> May 13, 2009	8:43 AM	<b>Author:</b> RICHMOND
<b>Dept./Agy.:</b> Judiciary		
<b>Subject:</b> Court Divisions		<b>Analyst:</b> Kristy F. Gary

COURTS/DISTRICT OR INCREASE GF EX See Note Page 1 of 2

Authorizes a division of a district court to have specialized subject matter jurisdiction including a violent crimes or homicide division or section and the creation of a probation program for a mental health division

Proposed law authorizes the judges of any judicial district court, by rule adopted by a majority vote of the judges sitting en banc, may assign certain divisions or sections of the court to a specialized division or section having criminal, civil, drug court, driving while intoxicated court, mental health court, juvenile, violent crimes or homicides, or other division or section having specialized subject matter jurisdiction. Proposed law creates a homicide division, to be designated as the homicide court, in the Criminal District Court for the parish of Orleans and not less than two sections of the court shall be assigned to that division. Proposed law provides that each district court by rule may designate a division as a mental health division and to assign offenses which the court finds are related to mental health issues to that division and authorizes each district court to establish a probation program to be administered by the presiding judge or judges thereof or by an employee designated by the court.

EXPENDITURES	2009-10	2010-11	2011-12	2012-13	2013-14	5 -YEAR TOTAL
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

REVENUES	2009-10	2010-11	2011-12	2012-13	2013-14	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

The proposed legislation is estimated to increase state general fund expenditures by approximately \$30.6 million in FY 10 with additional unknown costs that would be incurred for which information is not currently available. Subsequent fiscal year expenditures are anticipated to increase due to inflation.

State and local expenditures will increase with the creation of a homicide division in the Criminal District Court for the parish of Orleans. According to the Louisiana Public Defender Board, the costs associated with the implementation of the proposed homicide court in Orleans would be \$3.5 million per year. \$1.5 million is needed for two state-funded panels, which handle capital cases, to accommodate the expedited dockets. Also approximately \$2 million is needed for the office of the Orleans Public Defenders, which handles the non-capital homicide cases, to handle these cases. Furthermore the Orleans Parish District Attorney’s Office estimates that the homicide court could increase expenditures to their office by a minimum of \$30,000 per year. Costs in subsequent fiscal years include a 2% inflationary factor (FY 10-11 \$3.57 M, FY 11 -12 \$3.64 M, FY 12-13 \$3.71, FY 13-14 \$3.79 M).

State and local expenditures will increase by an indeterminable amount with the creation of mental health divisions in district courts. Costs are itemized below.

Department of Health and Hospitals, Office of Mental Health – According to DHH the proposed legislation will require the following annual expenditures to meet the expectations stipulated, including appearances in court, routine reports, evaluations and court referrals, in the legislation:  
\$615,701 for personal services for the salary and related benefits for one court liaison in each of the nine DHH/OMH regions;  
\$4,500 for operating expenses for the travel expenditures of those nine court liaisons; and  
\$675,000 in professional services for contracts for one psychologist in each of the nine DHH/OMH regions.  
Assuming most of the referrals for treatment will be indigent, there will be an increase in costs for mental treatment. DHH estimates that a mental health division may be implemented in each of the nine DHH/OMH regions at a cost of \$1.7 million for each region for a total of \$15.3 million. Costs in subsequent fiscal years include a 4% inflationary factor (FY 10-11 \$17.3 M, FY 11-12 \$17.9 M, FY 12-13 \$18.7, FY 13-14 \$19.4 M). Continued Expenditure Explanation on page 2

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate	Dual Referral Rules	House	
<input checked="" type="checkbox"/> 13.5.1 >= \$500,000 Annual Fiscal Cost		<input type="checkbox"/> 6.8(F) >= \$500,000 Annual Fiscal Cost	
<input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change		<input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease	

Robert E. Hosse  
LFO Staff Director



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CONTINUED EXPLANATION from page one: Page 2 of 2

**CONTINUED EXPENDITURE EXPLANATION:**

**Louisiana Public Defender Board** – According to the Louisiana Public Defender Board, the proposed legislation will increase expenditures annually for local districts’ public defender offices for attorneys, social workers and other mental health support staff. The following are estimates by the Louisiana Public Defender Board:  
\$8.4 million for personal services for the salary and related benefits (based on need of attorneys, social workers, mental health specialists, investigators and secretaries);  
\$2.1 million in operating expenses for travel and overhead for personnel.  
Costs in subsequent fiscal years include a 2% inflationary factor (FY 10-11 \$10.7 M, FY 11-12 \$10.9 M, FY 12-13 \$11.2, FY 13-14 \$11.4 M).

**Department of Public Safety and Corrections, Division of Probation and Parole** - The legislation could also impact the workload of the Division of Probation and Parole; however, the Legislative Fiscal Office is still waiting for information from the Division of Probation and Parole to determine the fiscal impact.

**Judicial Court System** - The Judicial Administrator’s Office has indicated that the impact on the state general fund will be limited to the increase in expenses of the sanity commission required in Orleans Criminal Court (The state funds the Orleans Criminal Court Sanity Commission in the Judicial Appropriation Bill, which is funded at \$162,172 for FY 09-10). Judicial expense funds, police juries or local governments fund sanity commissions in all other jurisdictions. The proposed legislation could result in an unknown increase in workload for the district courts.